

REMARKS

I. **The Status of Claims.**

Claims 1-14 were originally presented for examination before the United States Patent and Trademark Office (the "Office") with filing of a patent application on April 12, 2001. The first Office Action provided the following: objection to Claims 1-9 under 35 U.S.C. §112, second paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertain, or with which it is most nearly connected, to make and/or use the invention; objection to Claims 1-9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention; rejection of Claims 1-3 and 5-8 under 35 U.S.C. § 102(b) as being anticipated by Korah et al (US No. 6,115,111); rejection of Claims 4 and 9 under 35 U.S.C. §103(a) as being unpatentable over Korah et al (US No. 6,115,111); and provisional rejection of Claim 1-9 under the judicially created doctrine of obviousness-type double patenting doctrine as being unpatentable over claims contained in co-pending Application Nos. 09/834,244 and 09/824,242. An amendment and response was filed by Applicants on May 26, 2003 in response to the first office action. Claims 1 and 5 were amended.

A second Office Action dated July 14, 2003, made Final, was rendered in the present case. The present amendment and response is provided in response to the Final action. In the final action, Claims 1-9 stand rejected under 35 U.S.C. §112 for being indefinite, and under 35 U.S.C. §102 and §103 based on the Koruh et al reference. Claims 1 and 5 have again been amended in response to the rejection.

II. Objection under 35 U.S.C. § 112, first paragraph.

Claims 1-9 were rejected by the Patent Office under 35 U.S.C. §112, first paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. The Examiner states that claim 5 is vague for citing to a memory for storing characteristics of a monitored environment (in line 6). Examiner requests clarification as to what the characteristics of a "monitored environment" are. Applicant has amended claim 5 consistent with language that can be found on page 18, in the second full paragraph, wherein "characteristics" are described, for example, as being "walls or other object in the room." It should be clear to those skilled in the art that various objects can be located within an environment, such as a room, where a target may be located. Applicants believe that the amendment to Claim 5 now fully overcomes the rejection.

III. Rejection of Claims 1-9 as unpatentable over Korah et al. under 35 U.S.C. §102(b).

Claim 1-3 and 5-8 currently stand rejected by the Office under 35 U.S.C. §102(b) as being anticipated by Korah et al (patent 6,115,111). Claims 1 and 5 have again been amended and the rejection is again respectfully traversed.

As specified in Applicants' previous response dated May 26, 2003, Korah et al does not sequence its lasers during operation, which is a feature taught and now specifically claimed by Applicants. Applicants can sequence signals from a laser source through at least two apertures, thereby creating at least two distinct signals. Applicant can also use more than one laser together with more two or more apertures to creating signal sequencing. Sequencing of signals provides a benefit to the present invention during signals receipt and analysis as set forth in detail on pages 11-12, 15-16 and 18 of Applicants specification. Korah et al does not teach or describe sequential operation of its laser signals. Korah et al is apparently not interested in

Korah et al is not a detector for the same use and methods of use as taught by Applicants.

As stated on page 11, the last line of the page, "multiple motion could b sensed with a single detector . . . by sequentially emitting light signals from different apertures" which is a unique feature that is not taught by Korah et al. For these reasons, the rejection is respectfully traversed.

Claims 2-4 and 6-9 are also believed allowable based on their dependence on patent claims 1 and 5.

IV. Rejection of Claims 4 and 9 as being unpatentable over Korah et al. under 35 U.S.C. §103(a).

Claim 4 and 9 currently stand rejected by the Office under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,115,111 issued to Korah et al. In light of the current amendments to Claims 1 and 5 and the remarks provided above with regard to anticipation by Korah, the rejection is respectfully traversed.

As with the arguments provided in the previous section, Korah does not teach sequential operation using more than one laser signal. More than one laser signal can be provided using a combination of at least one laser and at least two apertures.

Despite the major technical difference between Applicants' invention as now claimed in claims 1 and 5, other major distinction exist between Applicants and Koruh et al. For example, Korah et al is not using a CCD to sense or detect target characteristics, especially not target motion. Korah et al's only attempt to acquire differences in signals from its environment occurs through monitoring of interferences at the laser sources themselves.

Sequential operation or transmission of laser signals as taught and claimed by Applicants avoids interference between transmitted signal and allows the system to focus on differences between target signals and environment information (e.g.,

traversed.

Claims 2-4 and 6-9 are also believed allowable based on their dependence on patent claims 1 and 5.

V. Conclusion

Applicants have responded to each and every objection and rejection of the Official Action, and respectfully request that a timely Notice of Allowance be issued. Applicants respectfully submit that the foregoing discussion does not present new issues for consideration and that no new search is necessitated. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objections and the rejections and request timely issuance of the present application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

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